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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,743	03/19/2001	Philip J. Busardo	7000-058	8859
27820	7590	05/07/2004	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512			HAROLD, JEFFEREY F	
			ART UNIT	PAPER NUMBER
			2644	5

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,743

Applicant(s)

BUSARDO, PHILIP J.

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. ***Claims 1, 2, 6, 7, 9, and 11*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Guercio et al. (United States Patent 6,373,925), hereinafter referenced as Guercio in view of Creamer et al. (United States Patent 6,519,228), hereinafter referenced as Creamer.

Regarding **claim 1**, Guercio discloses a telephone calling party announcement system and method. In addition Guercio discloses a method to provide for caller identification using telephony ring signals, as disclosed at column 7, lines 29-31 and exhibited in figure 7, comprising: receiving a telephone number of an expected caller; receiving identification of an audio file to play as the telephony ring signal at a telephony ring signal at a telephony device for an incoming call originating from the expected caller; creating indicia associating the telephone number of the expected caller with the audio file; and sending the indicia associating the telephone number of the expected caller with the audio file from to the telephony device, wherein the telephony device will play the audio file as the telephony ring signal upon receiving the incoming call from the expected caller, as disclosed at column 7, lines 32-67 and exhibited in figure 7, however, Guercio fails to disclose receiving the telephone number at an application

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server in a communication network and sending the indicia associating the telephone number from the application server. However, the examiner maintains that it was well known in the art to provide receiving the telephone number at an application server in a communication network and sending the indicia associating the telephone number from the application server, as taught by Creamer.

In a similar field of endeavor Creamer discloses a system and method of operation for verifying and validating PSTN to IP network services. In addition, Creamer discloses a PSTN to IP system (10) comprising a network (12) and application server (32) used to provide caller ID, as disclosed at column 4, lines 8-57 and exhibited in figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guerico by specifically providing receiving the telephone number at an application server in a communication network and sending the indicia associating the telephone number from the application server, as taught by Creamer, for the purpose of providing service to from a PSTN to IP connection.

Regarding **claim 2**, Guercio and Creamer disclose everything claimed as applied above (see claim 1), in addition Guercio discloses receiving a telephone number of the telephony device, as disclosed at column 7, lines 32-67 and exhibited in figure 7.

Regarding **claim 6**, Guercio and Creamer disclose everything claimed as applied above (see claim 1), in addition Guercio discloses receiving a second expected caller, and receiving identification of a second audio file to play as the telephony ring signal for an incoming call originating from the second expected caller, wherein the creating step

further creates the indicia to associate the second telephone number of the second expected caller with the second audio file, as disclosed at column 7, lines 32-67 and exhibited in figure 7.

Regarding **claim 7**, Guercio and Creamer disclose everything claimed as applied above (see claim 1), in addition Guercio discloses wherein the indicia associating the telephone number of the expected caller with the audio file comprises a file readable by the telephony device, as disclosed at column 7, lines 32-67 and exhibited in figure 7.

Regarding **claim 9**, Guercio and Creamer disclose everything claimed as applied above (see claim 1), in addition Guercio further comprises generating a profile associating a unique audio file with each of a plurality of telephone numbers of additional expected callers for the telephony device, as disclosed at column 7, lines 32-67 and exhibited in figure 7.

Regarding **claim 11**, Guercio and Creamer disclose everything claimed as applied above (see claim 1), in addition Guercio discloses the telephone number is one of the group consisting of traditional circuit switched telephone number, as disclosed at column 7, lines 32-67 and exhibited in figure 7.

Regarding **claim 12-25**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1, 2, 6, 7, 9, and 11.

Allowable Subject Matter

2. **Claims 3-5, 8 and 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

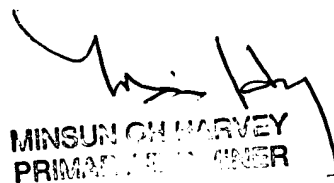
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
May 3, 2004

Jefferey F Harold
Examiner
Art Unit 2644



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